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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,089	12/30/2003	Mauro Dresti	81230.87US2	7957

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EXAMINER

HUYNH, SON P

ART UNIT	PAPER NUMBER
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2623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/749,089	Applicant(s) DRESTI ET AL.	
	Examiner Son P. Huynh	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/8/2007 has been entered.

Response to Arguments

2. Applicant's arguments with respect to newly added claims 11-20 have been considered but are moot in view of the new ground(s) of rejection.

Claims 1-10 have been canceled.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 11-15, 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Ellis et al. (US 2005,0028208 A1) – hereinafter referred to as E208.

Regarding claim 11, E208 discloses a method for displaying programming information in a display of a remote control device having a memory (e.g., displaying program guide information in a display of remote access device 24 having a memory 56 – see include, but are not limited to, figures 5, 8-10). E208 further discloses user selects a particular button/key on the remote access device to command operations of a plurality of appliances such as commanding particular recording device to record a program, commanding the set top box to tune to particular channel, or commanding the user television equipment to send favorite program guide information for display on the display of the remote access device, etc. – see include, but are not limited to, figures 2a-5, 7-10, paragraphs 0107-0110, 0125-0127, 0138). Thus, a library of command codes for use in commanding operations of a plurality of appliances must be stored in the memory (e.g. storage 56) of the remote access device so that when the user select a button/key using the remote access device 24, a particular device at the user television equipment performs appropriate operation (e.g. recording, setting reminder,

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generate favorite program guide, tune to a channel, etc.) in response to the command from the remote access device; the method comprising:

accepting user input into the remote control device that functions to create a favorite page displayable in the display of the remote control comprised of a plurality of icons wherein each of the plurality of icons is associated with a channel that is tunable to by at least one of the plurality appliances (receiving user input into the remote access device such as user profiles/preferences settings, favorite program settings, select to display program guide, etc.; the selected program guide displayed in the display of the remote access device comprised of a plurality of icons such as channel icons, program title icons, etc. wherein each of the plurality of icons (e.g. channel icon, program icon, etc.) is associated with a channel (e.g. channel 2 (CBS), channel 47 (HBO), etc.) that is tunable by at least the set top box, recording device for view or recording – see include, but are not limited to, figures 3-4, 7-10, paragraphs 0107-110, 112-115, 0123-0126, 0134);

accepting user input into the remote control device that functions to setup the favorite page (receiving user input using the remote access device to perform user profile/preference settings, favorite programs/channels settings, etc. – see include, but are not limited to, paragraphs 0107-0110, 0123-0126). E208 further discloses E208 further discloses user selects a particular buttons/icons (e.g. program title icon, channel icon, theme icon, reminder, recording, etc.) on the displayed screen to command a particular device at the user television equipment to perform associated function such as tune to a channel/program associated with the selected icon to view, to record, etc., -

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see include, but are not limited to, figures 2a-5, 7-10, 18-22, paragraphs 0107-0110, 0125-0127, 0134, 0138, 0163-0164, 0171). Thus, each of the plurality of icons is inherently associated with at least one command code selected from the library of command codes with the at least one command code selected from the library of command codes being appropriated such that, when transmitted program the remote control device, an intended recipient one of the plurality of appliances will tune to the channel associated with a respective one of each of the plurality of icons so that a selected device performs the function (e.g. tune to the selected channel) associated with the selected channel icon on the screen.

accepting user input into the remote control device that functions to select a one of the plurality icons from the favorite page while the favorite page is displayed in the display of the remote control device (receiving user input to select a channel icon, program icon, etc. from program guide screen displayed on the remote access device—see include, but are not limited to, figures 7-10, paragraphs 0115-0117, 0123-0127, incorporated by reference US 2003/0066085 –hereinafter referred to as Boyer, figures 15-16,27);

an in response to the user selecting one of the plurality of icons, displaying in the display of the remote control device in a first window area information relevant to content available from a provider of content on the channel associated with the selected one of the plurality of icons (e.g. in response to user selection of the icon, display information such as program title, description, channel, pay per view information, or reminder information, etc. associated with the selected icon on an area of the display

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screen – see include, but are not limited to, figures 7-10, 42, paragraphs 0115, 0118-0119, 0127-0129, 0154, incorporated by references in their entirety, US 2003/0149988 A1 (hereinafter referred to as E988), figures 14d-16, 20, and Boyer, figures 16, 27).

Regarding claim 12, E208 discloses a method as discussed in the rejection of claim 11. E208 further discloses the program guide listings include information of the channel currently being presented by the provider of the content on the channel and displayed additional information of the channel associated with the selected icon (paragraphs 0067, 0112-0113; E988, figure 18c, Boyer, figures 16, 18, 26 paragraph 0102).

Inherently, when the user selects an icon on the program guide display screen associated with content currently being presented by the provider of the content on the channel (e.g., KCBS, CNN, etc.), information relevant to the selected icon will be displayed on the first area window (e.g. area for displaying detail information of the channel associated with the selected icon – see include, but is not limited to, Boyer, figure 16).

Regarding claim 13, E208 discloses a method as discussed in the rejection of claim 11. E208 further discloses the information displayed in the first window area is relevant to content to be presented in the future by the provider of content on the channel associated with the selected one of the plurality of icons (display on the screen additional/detail information of the future program associated with the selected icon –

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see include, but are not limited to, paragraphs 0115, 0117-0118, and discussed in claim 12 when an icon associated with future program is selected).

Regarding claim 14, E208 discloses a method as discussed in the rejection of claim 12. E208 further discloses displaying in the display of the remote control device in a second window, in response to the user selecting of one of the plurality of icons, information relevant to content to be presented in the future by the provider of content on the channel associated with the selected one of the plurality of icons (display on portion of the screen additional/detail information of the future program associated with the selected icon – see include, but are not limited to, paragraphs 0115, 0117-0118, and discussed in claim 12 when an icon associated with future program is selected).

Regarding claim 15, E208 discloses a method as discussed in the rejection of any one of claim 11-14. E208 further discloses selected device at the user television equipment receives a command from the remote access device and performs appropriate function such as recording, set reminder, tuning to selected channel, etc. in response to the user selecting of one of the plurality of icons, which are created during setup of the favorite page (see include, but are not limited to, paragraphs 0015, 0107-0110, 0123, 0134, 0138, 0154, 0160-0163). Thus, in response to the user selecting of one of the plurality icons, the remote control device inherently transmit the at least one command code associated with the selected one of the plurality of icons during setup of the

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favorite page so that appropriate function (e.g., tuning, recording, etc.) is performed by the selected device at the user television equipment.

Regarding claim 17, E208 discloses the user using the remote access device to command displaying of additional/detail information, reminder, etc. of the selected program, pay per view program, etc. on the screen, the user also select to close display of the additional/detail information, reminder, etc. (for example, after user selects "Ok" or "NO" or "Yes" or "Cancel" or when the user select another icon on the program guide, see include, but are not limited to, figure 9, paragraphs 0115, 0117-0119, 0154, E988, figures 14b-17, Boyer, figure 16). Thus, the limitation of "accepting user input into the remote control that functions to expand and contract the first window area in the display of the remote control device" is interpreted as receiving user input into the remote access device that functions to display additional information, detail information, or reminder of the program on an area of the display screen and close the area that displayed detail information, reminder, additional information on the screen.

Regarding claim 18, E208 discloses a method as discussed in the rejection of claim 17. E208 (incorporated by reference E988 in its entirety) further discloses expansion and contraction of the first window area allows overlay and display, respectively, of a user interface page having command function keys simultaneously displayed in the display of the remote control and having command function keys activatable to cause the remote control device to transmit to one or more of the plurality of appliances further command

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codes from the command code library (interpreted as expansion of window area 1331, window area 1339, window area 1347, window area 370, or window area 380, in response to user selecting of an icon on the program guide such as icon associated with currently broadcast program (program being watched) allows the window area 1331, 1339, or 1347 overlay program guide, and contraction/removing of the window area in response to user selection "No" or "Cancel", or "OK" , or "Yes" on the window allows display of the program guide; wherein the program guide has command functions keys such as channel buttons, program title buttons, reminder button, etc. that is when selected, to cause the remote access device to transmit a command (and inherently with a command code selected from the command code library) the a particular device at the user television equipment to perform associated function such as tune to channel to receive selected program, command the selected recording device to record selected program, etc.— see include, but is not limited to, figures 7 –10, 16-19, paragraphs 0108-0110, 0117-0119, , 0134, 0154, 0164, 0220, E988: figures 14b, 14d, 14e, 15a-16, paragraphs 0134-0138).

Regarding claims 19-20, the limitations that corresponding to the limitations of claims 17-18, and are analyzed as discussed in the rejection of claims 17-18 respectively, wherein functions to expand and contract the second window area is interpreted as the user selects to display additional information, detail information, or reminder of the future program on an area of the display screen and then close the area that displayed the reminder, additional information, or detail information of future program (see include,

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but are not limited to, figure 9, paragraphs 0115, 0117-0119, 0154, E988, figures 14b-17, Boyer, figure 16).

5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over E208 as discussed in claim 14 above, and in view of Kondo et al. (US 6,763,522).

Regarding claim 6, E208 teaches a method as discussed in the rejection of claim 14. However, E208 does not explicitly disclose first window area and second window area are simultaneously displayed with the program guide page.

Kondo discloses the event information panel 52 and further event information panel 65 or 142 are displayed simultaneously with program guide page which contains selected channel icon 54 (see include, but are not limited to, figures 2A-2C). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify E208 to use the teaching of simultaneously displaying first window area (which display information of content associated with a selected icon) and second window area (which display information of content associated with another selected icon) with the program guide screen in order to allow the user to simultaneously see the detail/additional information of the selected icons thereby allow the user to compare and select a prefer content.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ohno (US 2002/0066099 A1) discloses display controlling apparatus and method, and storage medium.

Ellis et al. (US 2004/0117831 A1) discloses interactive television program guide system and method with niche hubs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Son P. Huynh

April 4, 2007

A handwritten signature in black ink, appearing to read 'Son P. Huynh', with a long horizontal stroke extending from the bottom of the signature.